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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN - 5 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
The Use of N11 Codes and Other) CC Docket No. 92-105
Abbreviated Dialing Arrangements)

COMMENTS OF
AMERICAN TELEPHONE AND TELEGRAPH COMPANY

American Telephone and Telegraph Company ("AT&T")
hereby submits its comments on the Notice of Proposed
Rulemaking in CC Docket No. 92-105, released May 6, 1992
("Notice").

INTRODUCTION

On March 6, 1992, BellSouth Telecommunications,
Inc. ("BellSouth") filed a petition for declaratory
ruling, which asks (pp. 1-2) the Commission to find that
the limited number of available N11 codes could,
consistent with the Communications Act and Commission
policies, be assigned to specific customers for their
individual use in providing local pay-per-call type
information services. According to BellSouth (p. 3), Cox
Enterprises, Inc. ("Cox") has asked BellSouth to assign it
a three-digit code in Atlanta for this purpose, and
BellSouth has agreed to process the Cox request under the
Commission's 120 day Open Network Architecture ("ONA")
review process.

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The Notice tentatively concludes (para. 11) that the Commission should adopt rules to govern the use of certain N11 codes, and invites comment on a number of issues affecting the possible allocation and use of such codes. The Notice proposes to permit local exchange carriers ("LECs") to make certain N11 codes available so long as they are not already assigned for other uses, provided that these codes may be "assigned for other uses by the Administrators of the North American Numbering Plan" ("NANPA") and their use for local purposes thus may be discontinued, after adequate notice, by the NANPA at any time. As shown below, the allocation of critical, scarce numbering resources such as N11 codes should not proceed, at least until the Commission has adopted comprehensive policies and rules assuring the fair and efficient use of those resources.

I. THE FEW AVAILABLE N11 CODES SHOULD NOT BE ASSIGNED AS PROPOSED.

As the Commission recognizes (Notice, para. 7), N11 codes are an extremely scarce resource. Those N11 codes in use today are reserved for special functions. For example, 411 is now used for directory assistance, 911 is used for emergency services, and 611 and 811 are currently used in some areas for LEC repair and business office services. Only four usable N11 codes, 211, 311, 511 and 711, are not presently assigned.

Because there are such a limited number of N11 codes, and as numbering codes increasingly are a critical resource in the development of new telecommunications services (e.g., personal communications services, inbound international services and switched digital services), it is important that these codes only be allocated in a manner that maximizes their use by the greatest number of carriers and customers. BellSouth's proposal does not meet this objective. In addition to their potential use as three-digit NPA or service access codes,* N11 codes could also be used as new service access codes in seven-digit dialing (e.g., N11-WXXX). In this format, W can be a 0 or a 1 and XXX could be an information service provider's carrier identification code. This would provide nationwide, uniform dialing for 2,000 service providers per N11 code, in contrast to the three-digit format described in the Notice, under which each N11 code could serve only a single provider. N11 codes could also be used nationwide, or throughout World

* As BellSouth points out, of the 144 three-digit codes available for use as NPA codes, 142 are already assigned. With only two three-digit codes available for assignment as NPA codes, there is a strong likelihood that these NPA codes will be exhausted between now and 1995, when the numbering format is scheduled to change to make more NPA codes available. N11 codes should continue to be reserved for use as NPAs to delay, if not avoid, NPA exhaust. See Bellcore Letter, pp. 1-2. Further, if N11 codes are used as NPAs, each code could serve 8 million customers.

Zone 1, to indicate a personal number service, for which there may be requirements in the range of 100 million numbers.*

There appears to be no need at this time to permit the use of the few remaining N11 codes for unnecessarily restrictive applications. Indeed, a number of alternative dialing arrangements exist, which readily could be used to provide the types of services proposed by Cox and would not adversely impact scarce numbering resources. In addition, most of these alternatives would accommodate many times the number of providers that could be handled using the four available N11 codes. For example, Bellcore recommends that Cox use basic seven-digit telephone numbers.** Unlike N11 codes, there are more than enough such numbers available to meet the demand of potential competitors vying to provide local information services. Further, various speed calling capabilities are available through ONA or exchange services

* Moreover, using a particular N11 code for disparate information services in different parts of the country could not only result in customer confusion, but could seriously erode the public interest value of the existing nationwide, community service type applications that currently use N11 codes.

** Bellcore Letter, p. 3.

that could provide abbreviated dialing sequences.*

Feature Group B access is presently being used to provide uniform, nationwide 7-digit dialing using 950-WXXX. And, as the Commission observed, use of other forms of shorter dialing arrangements could also be explored.**

Thus, it is neither necessary nor in the public interest to permit the use of the four remaining N11 codes for the local use proposed. Because the use of N11 codes in this manner could adversely affect plans for the North American Numbering Plan, issues raised by such use should be addressed by the Commission in the broader context of overall numbering plan administration issues. The Commission is currently considering a separate proceeding to address such broader issues, and appropriate uses of N11 codes and similar scarce numbering codes should be a part of that comprehensive proceeding. As AT&T has previously stated, it strongly supports NARUC's request for an inquiry into the administration of the North American Numbering Plan, and related number and code assignment procedures.

* Shared speed calling would allow an information service provider to control the speed calling list of its customers. A provider could assign a 1 or 2 digit speed calling code as, for example, the number for a customer to reach directory services, and could order this capability for its customers to make implementation simple.

** Notice, para. 19. In fact, the Information Industry Liaison Committee is currently investigating local calling area abbreviated dialing access to information services.

II. ONCE THE COMMISSION HAS RESOLVED ITS BROADER REVIEW OF NUMBERING PLAN ADMINISTRATION, SPECIFIC QUESTIONS PERTAINING TO ALLOCATION AND USE OF N11 CODES CAN MORE APPROPRIATELY BE CONSIDERED.

As shown above, the critical nature of numbering resources to the introduction of new services and the limited availability of certain of these resources, like N11 codes, requires that the Commission consider the procedures that should be applied to the administration of numbering codes comprehensively. Only when this has been accomplished will it be possible and appropriate to address particular issues that may be raised by the allocation or use of specific numbering codes, including N11.

In general, however, and subject to resolution of the broader proceeding described above, it is possible to respond at least in part to the questions in the Notice regarding the allocation and use of N11 codes. With respect to permissible allocation schemes, the Notice tentatively concludes (para. 16) "that LECs should not be subject to any additional restrictions on how they allocate these codes, because Section 202(a) of the Communications Act already prohibits carriers from granting undue preferences or engaging in unreasonable discrimination." This appears to be correct, assuming it is found in the first instance that the public interest

would be served by the allocation and use of these codes.*

The Notice next suggests (para. 15) that the limited number of N11 codes could result in these codes acquiring a value that the holders may want to sell or transfer to others. The Commission has long recognized that telephone numbers are in the nature of a national resource.** As such, holders should not be permitted to acquire a proprietary interest in numbers that can be sold or transferred.*** Codes like the N11 codes are no different in this regard. Indeed, if anything, with only four available, a change in policy with respect to such a scarce resource would only encourage speculation and

* In this regard, it would not be necessary to restrict the use of N11 codes (or other numbering resources) to only use with basic or enhanced services (Notice, para. 11). The Commission can confirm, however, that such resources must be made available on a nondiscriminatory basis, and if used for enhanced services, that use must comply with any Commission rules applicable to enhanced services. With only four available N11 codes, this would be especially important to ensure equitable treatment of all enhanced service providers.

** See, e.g., In the Matter of the Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Service, 2 FCC Rcd. 2910, 2912 (1987) ("The very purpose of the North American Numbering Plan (NANP), which has established the codes as a national resource of the United States and Canada, is to ensure the equitable distribution of the codes nationwide without duplicating codes and numbers"), recon. 4 FCC Rcd. 2369 (1989) ("Cellular Interconnection Proceeding").

*** AT&T's 800 service tariff, for example, provides that no customer obtains proprietary rights in an 800 number. See AT&T Tariff F.C.C. No. 2, Section 2.1.7.

inhibit the ability of legitimate service providers to obtain the numbering capacity needed to make service available.

Finally, the Notice inquires (para. 17) "as to what role, if any, state regulators should have in the allocation of N11 numbers." As the Commission found in the Cellular Interconnection Proceeding, "any state regulation of this national resource [numbering codes] could substantially affect interstate communications by disrupting the uniformity of the NANP."* Thus, the Commission held that it had plenary jurisdiction over the allocation of numbering codes, but found that the costs of allocating the codes can be separated between inter- and intrastate, and therefore asserted jurisdiction over only the interstate portion of the costs and charges for numbering codes.** There is no basis for a different result here.

* Cellular Interconnection Proceeding, 2 FCC Rcd. at 2912.

** Id.; see also Cellular Interconnection Proceeding, 4 FCC Rcd. at 2369.

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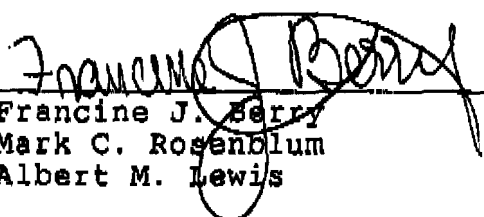
CONCLUSION

For all of these reasons, the Commission should act quickly on the broad proceeding to establish procedures for the nondiscriminatory administration of all numbering resources. Until these procedures have been established, it would not be in the public interest to permit the use of the extremely scarce N11 codes as proposed, given the strong possibility of customer confusion and the availability of viable alternatives.

Respectfully submitted,

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